



Canada

Country Reports on Human Rights Practices - [2002](#)

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Canada is a constitutional monarchy with a federal parliamentary form of government. Citizens periodically choose their representatives in free and fair multiparty elections. Jean Chretien began his third consecutive term as Prime Minister in November 2000; his Liberal Party had a majority of 172 of 301 seats in Parliament. The judiciary is independent.

Elected civilian officials control the federal, provincial, and municipal police forces. The armed forces have no role in domestic law enforcement except in national emergencies. Laws requiring the security forces to respect human rights are observed strictly, and the courts punish violators.

The country has a highly developed, market-based economy and a population of approximately 31.4 million. Laws extensively protect the well-being of workers and provide for workers' freedom of association.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means for dealing with individual instances of abuse; however, there were problems in some areas. Problems include discrimination against women, persons with disabilities, and aboriginal people. There was an increase in the number of reported incidents of anti-Semitic and anti-Muslim harassment. The Government continued to take serious steps to address private acts of violence against women. Trafficking of persons into the country, including trafficking for purposes of prostitution, was a growing problem. Canada was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings.

In June 2001, an off-duty Royal Canadian Mounted Police (RCMP) officer shot and killed his former girlfriend and injured three other persons riding in a car with her. The authorities immediately arrested him and charged him with murder and attempted murder. His case was pending at year's end.

The trial of four Toronto policemen charged with manslaughter for the death of a suspect whom they beat while taking him into custody in 2000 is scheduled to begin in September 2003.

The RCMP completed an inquiry into the deaths of four aboriginal men in Saskatoon, Saskatchewan, in 2000. Two of the men were found frozen to death in an isolated area on the outskirts of Saskatoon, and the other two died at or near their homes shortly after being released from police custody. The RCMP found no basis for any criminal charges; local authorities conducted coroner's inquests in October 2001 and in January, which found no evidence of criminal conduct in the freezing deaths. The coroner's jury, however, made a series of recommendations to the RCMP for handling future cases (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the Government generally observed these prohibitions in practice; however, there were isolated incidents of police mistreating suspects.

In June 2001, two Saskatoon city police officers were found guilty of the charge of illegal confinement after they left an aboriginal man on the outskirts of the city in subzero temperatures without adequate clothing. The officers were fired and sentenced to 8 months in jail. They were free on bail while they appealed their conviction. Two aboriginal men were found dead in the same area around the same time, but a coroner's inquest did not find evidence of criminal conduct in those deaths. In response to these deaths and the arrest of the Saskatoon city police officers, the province of Saskatchewan formed a 3-year commission to study justice issues of aboriginal people.

The military continued to receive complaints from women serving in the armed forces who charged that they were subject to sexual abuse, harassment, and discrimination. An armed forces grievance board that is independent of the military chain of command began operations in June 2000. In addition, other mechanisms established by the Government to address such complaints, including the Advisory Board on Canadian Forces Gender Integration and Employment Equity and an Ombudsman in the Department of National Defense, continued to operate. As of November 1, the Ombudsman had received seven sexual assault complaints, three sexual harassment complaints, and three gender discrimination complaints.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government generally observed these prohibitions in practice. Bail was generally available.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary provides citizens with a fair and efficient judicial process and enforced the right to a fair trial.

The court system is divided into federal and provincial courts, which handle both civil and criminal matters. The highest federal court is the Supreme Court, which exercises general appellate jurisdiction and advises on constitutional matters.

The judicial system is based on English common law at the federal level as well as in most provinces; in the province of Quebec, it is derived from the Napoleonic Code. Throughout the country, judges are appointed. In criminal trials, the law provides for a presumption of innocence and the right to a public trial, to counsel (which is free for indigents), and to appeal. The prosecution also may appeal in certain limited circumstances.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally prohibits such practices, government authorities generally respected these prohibitions in practice, and violations were subject to effective legal sanction.

In December 2001, Parliament passed an antiterrorism bill that expanded police investigative and wiretapping powers. Federal and provincial authorities did not use the provisions of the bill that allow the Government to make preventative arrests of suspected terrorists and to conduct investigative hearings. There were no court challenges to the bill or complaints made to human rights commissions concerning its application.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. The Court ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms.

Journalists occasionally were banned from reporting some specific details of court cases until the trials were concluded, and these restrictions, adopted to ensure the defendant's right to a fair trial, enjoyed wide popular support. Some restrictions on the media are imposed by provincial-level film censorship, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography. The Charter of Rights and Freedoms provides for free speech and free press, but both the Criminal Code and human rights legislation have established limits. Inciting hatred (in certain cases) or genocide is a criminal offense. The Supreme Court has set a high threshold for such cases by specifying that these acts must be proven to be willful and public. The Broadcasting Act, which prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt, has not yet been challenged in the courts.

The Human Rights Act also prohibits repeated telephone communications that expose a person or group to hatred or contempt. The Canadian Human Rights Tribunal found that the Internet falls under this act. In January the Tribunal ruled that the law prohibited the operation of an anti-Semitic hate-site. In August the Tribunal made a similar finding, ordering an Internet hate-site targeting homosexuals to cease operating.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Charter of Rights and Freedoms provides for these rights, and the Government generally respected them in practice.

c. Freedom of Religion

The Charter of Rights and Freedoms provides for freedom of religion, and the Government generally respected this right in practice.

Religious groups are not required to register with the Government.

Public funding for Roman Catholic schools--or separate schools--is constitutionally protected in the country's original four provinces, but the policy has been challenged in recent years. In 1999 the U.N. Human Rights Committee found that the province of Ontario had failed to provide equal and effective protection against discrimination. In June 2001, the Ontario provincial legislature passed a graduated tax credit plan for parents of children attending all private schools, removing the historical limitation that provided such credits only in regard to Roman Catholic schools. The plan's 5-year phase-in began during the year.

There were a number of reports of harassment of religious minorities.

The League for Human Rights of B'nai Brith in Canada reported 197 incidents of anti-Semitism in the first 6 months of the year, compared with 286 incidents in all of 2001. Twelve of the reported incidents were violent; 121 were cases of harassment, and 64 were reports of vandalism. In April a synagogue in Saskatchewan and another in Ontario were set on fire. On May 19, a pipe bomb damaged the only Jewish synagogue in Quebec City. Approximately 75 percent of the incidents occurred in Toronto and Montreal, with other cases scattered across the country.

Some fundamentalist Christian groups' child disciplinary practices came under close scrutiny by the Government. In October a former nun and founding member of a religious commune on Prince Edward Island was convicted of assaulting five children by beating them with a wooden rod. In July 2001, Ontario authorities removed seven children from their parents' custody after provincial authorities reported the children showed signs of heavy corporal punishment. The parents belong to the Christian fundamentalist Church of God (affiliated with the Mennonites), which advocates use of belts and sticks in disciplining children. The children were returned to their parents' custody subject to provincial supervision.

In May 2001, a Muslim chaplain filed suit in federal court against an Ontario provincial judge who ejected him from the courtroom in 1993 for wearing a Muslim cap. The chaplain's initial complaints filed with Canadian Judicial Council, provincial and federal human rights commissions were dismissed because the law gives judges immunity from human rights laws. In November 2001, the federal district court dismissed the case. The federal appeals court heard the chaplain's appeal on October 31 and declined to order the Judicial Council to reopen the chaplain's complaint.

The number of reported incidents of Muslim harassment increased. In a survey on Muslim life post-September 11, 60 percent of the respondents said that they had experienced some form of discrimination because of their religion. The Government strongly and publicly urged the population to refrain from prejudice against Muslims or other persons on the basis of their religious beliefs, ethnic heritage, or cultural differences. Police forces investigated and discouraged anti-Muslim actions.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and extended first asylum. Canada is a resettlement country, and the Government projected that it would approve approximately 29,000 claims for refugee status during the year; as of August, 18,380 such claims had been approved.

In January the Supreme Court ruled that refugees facing torture in their home countries generally cannot be deported there, unless evidence shows that their continued presence poses a serious threat to national security. In June an Iranian suspected of being a trained government assassin was deported to Iran after claiming, but failing to show, that he faced a serious risk of torture upon return. The case of a Sri Lankan suspected of being a fundraiser for the Tamil Tigers who claimed that he would be tortured upon return to Sri Lanka remained pending after being remanded by the Supreme Court back to the Minister of Immigration. During the year, the country signed a "safe third country" agreement on refugees to return aliens previously resident in the United States to that country for adjudication of asylum. Human rights and immigrant groups criticized the agreement, which enters into force in 2003.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In November 2000, the last general election, the Liberal Party won a majority with 172 of 301 seats in the national parliamentary elections. The Canadian Alliance (conservative) won 66 seats, the Bloc Quebecois (separatist) won 38 seats, the New Democratic Party (liberal) won 13 seats, and the Progressive Conservative Party (conservative) won 12 seats. In August Jean Chretien of the Liberal Party announced his intention to step down as Prime Minister in February 2004. New elections will be held sometime between then and November 2005.

The governing party in the province of Quebec continued to maintain that Quebec has the right to withdraw from the Confederation if that decision proves to be the democratically expressed will of the residents of Quebec. The Supreme Court ruled in 1998 that a unilateral declaration of independence would be illegal, but that the Federal Government and other provinces would be obligated to negotiate Quebec's separation if a clear majority of Quebecois voted to change their relationship with Canada on the basis of a clearly phrased referendum question. However, after the second defeat of a referendum in 1995, public support for holding another referendum has declined.

There are no laws limiting the participation of women or minorities in political life. In the Parliament, 63 of 301 members in the House of Commons were women, and 4 members were of aboriginal (Inuit, North American Indian, or Metis) origin. Of 105 senators, 31 were women and 6 were of aboriginal origin. Women held 10 seats in the 36-person Cabinet. In 1999 a woman was appointed for the first time as Chief Justice of the Supreme Court. The Governor General is a woman.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Charter of Rights and Freedoms provides for equal benefits and protection of the law regardless of race, national or ethnic origin, color, sex, age, or mental or physical disability. These rights generally were respected in practice.

Women

The law prohibits violence against women, including spousal abuse; however, it remained a problem. The Government's last general social survey, done in 1999, indicated that an estimated 8 percent of women (and 7 percent of men) who were married or living in a common-law relationship during the previous 5-year period experienced some type of violence committed by their partner on at least one occasion. The economic costs of violence against women are estimated to be \$2.7 billion (Cdn \$4.2 billion). Services available to abused women have increased significantly over the past 2 decades, and there were 508 shelters for abused women across the country in 2000.

A total of 24,419 cases of sexual assault were reported in 2001, an increase of 370 cases from 2000. The courts consider such cases seriously and those convicted of sexual assault face up to 10 years in prison. Cases involving weapons, threats, wounding, or endangerment of life carry longer sentences, up to life imprisonment.

Prostitution is legal, but pimping (benefiting from the earnings of prostitution of another) and operating, being found in, or working in a brothel are not. Communicating in public for the purpose of prostitution (solicitation or "streetwalking") is also illegal, but is considered a lesser offense than the other offenses related to prostitution.

Women were trafficked for purposes of sexual exploitation (see Section 6.f.).

The Criminal Code prohibits criminal harassment (stalking) and makes it punishable by imprisonment for up to 5 years. The law prohibits sexual harassment, and the Government generally enforced this provision. Women continued to complain of harassment in the armed forces, and the Government established mechanisms to try to resolve complaints (see Section 1.c.).

Women are well represented in the labor force, including business and the professions. Employment equity laws and regulations cover federal employees in all but the security and defense services. Women have marriage and property rights equal to those of men. Women head over 85 percent of single-parent households.

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Education is free through grade 13 and is compulsory nationwide through age 15 or 16, depending on the province. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

There is no societal pattern of abuse of children. Past institutional abuses of children (mostly orphans and aboriginal children) in residential homes continued to come to light, and the Government and churches which operated the homes sought to close, through class action settlements, more than 12,000 abuse cases filed by former residents. The Government announced a \$1.1 billion (Cdn \$1.7 billion) plan for the settlement of physical and sexual abuse claims, and the Anglican and Presbyterian churches agreed to contribute substantial amounts to the settlement fund.

Children were trafficked for purposes of sexual exploitation (see Section 6.f.).

Persons with Disabilities

There is no legal discrimination against persons with disabilities in employment, education, or in the provision of other state services. Nevertheless, the Government continued to receive numerous complaints regarding societal discrimination against persons with disabilities and instituted programs to discourage such discrimination. Persons with disabilities were underrepresented in the work force; they constituted 2.7 percent of the federally regulated private sector work force, while those capable of working total 6.5 percent of the population. The Government instituted programs to help persons with disabilities to join the work force.

The law provides a variety of protections and rights for persons with disabilities and specifically prohibits discrimination against persons with disabilities in employment, education, or in the provision of public services. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The law requires employers and service providers to accommodate special needs of persons with disabilities, unless it constitutes an undue hardship, and mandates access to buildings for persons with disabilities.

Indigenous People

The Constitution recognizes three different groups of aboriginals: Indians (generally called First Nations), Inuit (formerly called Eskimos), and Metis (persons of mixed Indian-European ancestry). Aboriginals make up approximately 2.8 percent of the population. In the country's three territories, aboriginals constitute 20 percent of Yukon, 62 percent of Northwest Territories, and 84 percent of Nunavut. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged harassment by police continued to be sources of tension on some reserves. Aboriginal persons remained underrepresented in the work force, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other population groups.

The Charter of Rights and Freedoms specifically protects aboriginal rights, including those established by historical land claims settlements; aboriginal rights also are recognized in the Constitution and by the courts. Historical treaties with aboriginal groups in eastern Canada form the basis for the Federal Government's policies there, but some language with uncertain intent resulted in extensive legal challenges to the Government's interpretation of treaty rights. Aboriginal groups in the west that never signed historical treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result, the evolution of the Federal Government's policy toward aboriginal rights, particularly land claims, has been linked closely to legal challenges, including 45 Supreme Court decisions.

On February 7, the government of Quebec settled a long-running dispute with the Cree Nation by signing an agreement that ensured the withdrawal by the Cree of all legal action related to Quebec's past application of the James Bay and Northern Quebec Agreement. The Cree consented to the development of hydro-projects in return for \$2.3 billion (Cdn \$3.6 billion) over 50 years, autonomy over economic and community development, and more control over how their land is managed. On April 9, Quebec signed an agreement with the 14 Inuit communities in the political entity of Nunavik, Northern Quebec, that provided them with full control of profits generated from resource development including hydropower exploration. On April 24, the Quebec Government also announced an agreement-in-principle involving land transfers and resource-sharing, with the West North Shore Innu (Nitassinan). At year's end, the draft agreement had not achieved community consensus.

In 1998 the Government established the Aboriginal Action Plan, a "long-term, broad-based" policy approach to promote the quality of life of aboriginal people and promote self-sufficiency. According to Indian and Northern Affairs Canada, the Government budgeted \$4.5 billion (Cdn \$7 billion) for aboriginal programs in 2001-02. This money is intended to ensure that aboriginal persons have access to basic services (education, housing, water, sewage, health, and social) comparable to those provided to other citizens through provincial, municipal, and territorial governments.

During fiscal year 2000-01, the Government settled seven specific claims involving five First Nations, for a total expenditure of \$75 million (Cdn \$116 million). Since the inception of the program in 1992 through March 31, 2001, authorities had settled 227 specific and treaty land entitlement claims amounting to \$760 million (Cdn \$1.18 billion). However, First Nation leaders claimed that at the current rate of claim settlement, it will take the Government 150 years to settle all outstanding aboriginal claims. The Federal Government continued to be involved in self-government negotiations with over 350 First Nations, and several self-government agreements-in-principle (agreed upon by negotiators) and a few final agreements were in advanced stages of negotiations at year's end. Professional development and fiscal accountability projects further supported indigenous self-governance.

In response to court decisions over the past few years, the Government continued working to resolve a variety of issues, including fishing rights in Atlantic Canada. Disputes over aboriginal fishing rights in Atlantic Canada

continued after a 1999 Supreme Court ruling on the Marshall case that interpreted centuries-old treaties to allow First Nations to earn a moderate livelihood from natural resources, in compliance with government regulations that promote conservation and protect others who depend on the same resource. The Federal Government negotiated interim fishing agreements with all 34 aboriginal communities in Atlantic Canada, and longer term agreements were being negotiated at year's end. Other test cases that involve members of aboriginal groups being tried on charges of illegally harvesting timber on Crown land continued in the court systems in New Brunswick and Nova Scotia.

In 2000 the Federal and British Columbia governments concluded a treaty with the Nisga'a people who live in northwestern British Columbia. The treaty gave the Nisga'a control over 765 square miles of tribal lands, a cash settlement, fishing and timber-cutting rights, and certain rights of self-government. The treaty ended a range of special tax breaks and other benefits available under previous arrangements. The treaty was ratified by the Nisga'a people in 1998 and by the provincial legislature in 1999. It was debated and passed by Parliament in 1999. Although the British Columbia legislature ratified the treaty, two groups challenged the treaty in court. The court of appeals ruled against a challenge from the Liberal Party that contended that the treaty should have been submitted to a referendum. A case brought by the Gitanyow, an indigenous group located near the Nisga'a, who contend that the treaty awarded more than 85 percent of their traditional tribal lands to the Nisga'a, remained pending in the courts at year's end.

In 1999 representatives of the governments of Newfoundland and Labrador, the Federal Government, and the Labrador Inuit Association initialed a land claims agreement for the Inuit. The plan provides for land, water rights, self-government, and an economic development plan that includes sharing revenues from subsurface developments. The plan has not yet been put into effect, as the parties were still negotiating a final, comprehensive land claims agreement.

National/Racial/Ethnic Minorities

Support of a referendum on Quebec sovereignty has declined since the narrow defeat of the 1995 referendum.

The 1982 Charter of Rights and Freedoms protects the linguistic and cultural rights of minorities and established English and French as the country's two official languages. Despite the federal policy of bilingualism, English speakers in Quebec and French speakers in other parts of the country generally live and work in the language of the majority. The provinces are free to grant French or English the status of an official language, or not to do so. Only New Brunswick has granted the two languages equal status. The Charter of the French Language in Quebec makes French the official language of the province and requires the use of French in commerce, the workplace, education, and government. Minority language rights are secured by law in Quebec's Charter of the French Language.

The English-speaking minority of Quebec, representing 9 percent of the population of the province and 16 percent of the population of the city of Montreal, continued to protest restrictions placed on English-language use. English speakers also expressed concern over health services and public schooling in their language.

The Charter of the French Language restricts access to publicly funded English education only to those students who did most of their elementary or secondary studies in English in Canada. The law also limits English language education to those students with a brother or a sister who did most of their elementary or secondary studies in English in Canada or in cases in which the father or the mother did most of his or her studies in English in Canada. During the year, the Quebec National Assembly passed an amendment to the Charter of the French Language. This new law further limits access to English language schooling by no longer recognizing 1 year of private English language schooling in Quebec as fulfilling the eligibility criteria for an otherwise ineligible student to attend a publicly funded English school in Quebec.

Provinces other than Quebec often lack adequate French-language schooling and health services, which is of concern to local francophones, although French-language schools and French immersion programs were reported to be thriving in all three prairie provinces.

Section 6. Worker Rights

a. The Right of Association

Except for members of the armed forces and some police, workers in both the public and private sectors have the right to associate freely. The Labor Code protects these rights for all employees under federal jurisdiction, while

provincial legislation protects all other organized workers.

Workers in both the public (except for some police) and the private sectors have the right to organize and bargain collectively. While the law protects collective bargaining, there are limitations, which vary from province to province, for some public sector workers providing essential services.

The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. There are effective mechanisms for resolving complaints and obtaining redress.

Trade unions are independent of the Government. Of the civilian labor force, approximately 29.5 percent was unionized.

All labor unions have full access to mediation, arbitration, and the judicial system.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

All workers have the right to strike, except for those in the public sector who provide essential services. The law prohibits employer retribution against strikers and union leaders, and the Government generally enforced this provision in practice.

Labor action, including strikes, occurred throughout the country during the year. Significant strikes during the year included: A 54-day strike by over 45,000 Ontario Public Service employees, which affected prisons, psychiatric hospitals, highway transport enforcement, government laboratories, probation and parole services, parks and tourist attractions, along with hundreds of government offices across Ontario; and a mid-summer 2-week strike by 25,000 municipal workers (including sanitation workers) that became known as the "garbage strike." The Pope's impending visit to Toronto pushed the provincial government to pass back-to-work legislation which forced workers back on the job and put an end to the strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and it generally did not occur; however, women and children were trafficked for the purpose of sexual exploitation (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor legislation varies from province to province. The Federal Government does not employ youths under 17 years of age while school is in session. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions were enforced effectively through inspections conducted by the federal and provincial labor ministries.

e. Acceptable Conditions of Work

Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 per week, with at least 24 hours of rest.

Minimum wage rates are set in each province and territory, and ranged from \$3.54 to \$5.16 (Cdn \$5.50 to Cdn \$7.20) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage does not provide a decent standard of living for a worker and family. A family whose only employed member earns the minimum wage would be considered below the poverty line.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitor and enforce these standards. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and to remove themselves from hazardous work conditions.

f. Trafficking in Persons

The 2001 Immigration Act outlaws trafficking in persons; however, trafficking remained a problem. The Immigration Act establishes criminal penalties of up to life in prison and fines of up to \$645,000 (Cdn \$1,000,000) for convicted traffickers. The country is a destination and a transit point to the United States for women, children, and men trafficked for purposes of sexual exploitation, labor, and the drug trade. There were no overall estimates as to the extent of the problem. There have been several widely reported cases of smuggling and trafficking, including hundreds of Chinese who arrived illegally by ship in British Columbia in 1999. There were reports that Honduran boys were trafficked to Canada for the purpose of drug trafficking. There were also reports that Mexican, Sri Lankan, and Haitian men and women were trafficked to Canada.

Vancouver and Toronto serve as hubs for organized crime groups that traffic in persons, including trafficking for prostitution. East Asian crime groups targeted Canada, and Vancouver in particular, because of lax immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

Thousands of persons, including at least 15,000 Chinese, entered Canada illegally over the last decade. These persons come primarily from East Asia (especially China and Korea, also Malaysia), Central and South Asia, Eastern Europe, Russia, Latin America (including Mexico, Honduras, and Haiti), and South Africa. Many of these illegal immigrants paid large sums to be smuggled to the country and were indentured to their traffickers upon arrival. Almost all trafficked persons worked at lower than minimum wage and used most of their salaries to pay down their debt at usurious interest rates. The traffickers used violence to ensure that their clients pay and that they do not inform the police. Asian women and girls who were smuggled into Canada often were forced into prostitution. Traffickers used intimidation and violence, as well as the illegal immigrants' inability to speak English, to keep these victims from running away or informing the police.

In March 2001, police arrested 9 persons involved in an international trafficking ring suspected of illegally transporting about 1,200 Korean and Chinese citizens through the country into the United States. Many of those who entered the United States illegally were women under the age of 20 and were destined to work in a position of debt bondage to restaurants, factories, and brothels.

In November 2001, Vancouver police cracked a prostitution ring, and the authorities deported 11 Malaysian women, at least half of whom said that they had been coerced into prostitution by a man who seized their passports upon arrival in the country.

The Government reconvened an Interdepartmental Working Group on Trafficking in Women. There were no government-sponsored programs to help victims of trafficking; however, the Government funded NGO assistance programs. Victims may apply for permanent residence under the "humanitarian and compassionate" provisions of the Immigration Act. Some victims of trafficking were arrested and deported. In prostitution cases, often the prostitute instead of the customer was arrested. If in the country illegally, the prostitute may face deportation, especially after committing a crime. Local authorities to some degree lacked awareness about the victims of trafficking, which is compounded by the fear many victims have of telling the authorities about the crime committed against them.